

REMARKS

It is the understanding of the undersigned and the Applicant that the foregoing amendments have been made by Examiner's amendment, that a notice of allowance has been prepared, and that the notice of allowance will be mailed shortly.

In response to the appeal brief filed on August 11, 2005, prosecution was reopened and the Office Action dated November 14, 2005 was issued. Subsequently, Examiner Rhode contacted the undersigned with suggested amendments that he believed place the case in condition for allowance. These amendments were faxed to the undersigned on January 13, 2006. A revised set of amendments (reflected in the listing of claims above) was faxed to Examiner Rhode on January 18, 2006, with a request for Examiner Rhode to contact the undersigned once he had a chance to review the revised set of amendments. Shortly thereafter (approximately January 30, 2006), the undersigned contacted Examiner Rhode to inquire whether the revised set of amendments were sufficient to place the case in condition for allowance. Examiner Rhode indicated that they he believed they placed the case in condition for allowance, that he had entered them by Examiner's amendment, and that he had prepared a notice of allowance. The undersign again contacted Examiner Rhode on February 14, 2006 to inform him that the notice of allowance was not yet received and that, accordingly, Applicant was planning on filing this response. Examiner Rhode indicated that the notice of allowance was being processed, and that he thought that it would be sent out sometime the week of February 20, 2006. Accordingly, it is the Applicant's expectation that the case is in condition for allowance, that a notice of allowance will be received shortly, and that, in fact, no response to Office Action is needed at this point.

Upon checking PAIR, however, the undersigned noted that the notice of allowance has not yet been recorded. Accordingly, the Applicant is filing this response so as to insure a timely response to the Office Action in the event that a notice of allowance is not issued. In addition, in the event that a notice of allowance is not issued, and the rejections in the November 14 Office Action are maintained, then Applicant respectfully requests that the Appeal be reinstated. Applicant will supply a supplemental brief when Applicant becomes aware that the rejections have been maintained. Moreover, in the event that new rejections are issued, Applicant reserves

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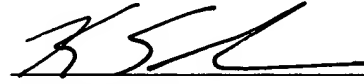
the right to respond to the new rejections, or request reinstatement of the Appeal. Applicant expects that any new rejections would be issued in a new non-final Office Action.

However, given the verbal indication from Examiner Rhode that the amendments in the listing of claims have been made, and that he has prepared a notice of allowance indicating they place the case in condition for allowance, Applicant expects that a notice of allowance will be received shortly.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 2/14/06



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